

AGRICULTURE COMMITTEE
ADMINISTRATIVE RULES REVIEW
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2005 Legislative Session

IDAPA 11 - IDAHO STATE POLICE

11.02.01 - Rules of the Idaho State Brand Board

Docket No. ***11-0201-0501*** (Fee Rule)2

Senate Agriculture Committee

IDAPA 11 - IDAHO STATE POLICE

11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-0501 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 18, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-1160(a), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule change raises the brand inspection fee from \$.75 to \$.84, and the livestock pasture fee from \$.38 to \$.42. The Idaho Brand Board has not had a fee increase since FY92 (Fiscal Year 1992). Our cost of doing business has increased. For example: Comparing FY92 to FY05, we have had a 214% increase in employee benefits. Estimated increase for FY06 is 244%. Fuel costs for FY04 were up 59% compared to FY99. Our head count is a little lower, however, but still not enough to reduce our work force more than we already have and maintain adequate service to the livestock industry.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Due to the cyclical nature of fee collections, it is necessary to increase the fees for cattle brand and livestock pasture inspections in this temporary rule. The increases are necessary to meet current business costs and to protect the public health, safety, and welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Increase cattle brand inspection fee \$.09, and the livestock to pasture fee \$.04 - Section 25-1160(a), Idaho Code.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted.

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IDAHO STATE POLICE
Rules of the Idaho State Brand Board

Docket No. 11-0201-0501 (Fee Rule)
Temporary Rule

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Larry A. Hayhurst at 208-884-7070.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2005.

DATED this 19th day of November, 2004.

Larry A. Hayhurst
State Brand Inspector
Idaho Brand Board
P. O. Box 1177
Meridian, ID 83680-1177
208-884-7070 / Fax 208-884-7097

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0201-0501

034. SCHEDULE OF FEES FOR THE IDAHO STATE BRAND BOARD.

01. Fees. Fees authorized by the State Brand Board and to be collected by the State Brand Inspector are as follows:

SCHEDULE OF FEES		
Recording of a Brand	\$50 initial recording fee plus a \$10 per year prorated staggered renewal fee every year thereafter	
Transfer of a recorded brand	\$25.00	
Renewal of a recorded brand (Every five years)	\$50.00	
Duplicate brand registration certificate	\$ 1.50	
Ownership and transportation certificate	\$25.00	
Duplicate ownership and transportation certificate	\$ 5.00	
Annual inspection equine or bovine	\$ 5.00	
	CATTLE	HORSES
Brand inspection (per head)	\$.75 <u>84</u>	\$ 1.50
Idaho livestock to pasture (per head)	\$.38 <u>42</u>	\$.75
Minimum auction fee	\$50.00	\$50.00
Minimum field brand inspection fee	\$10.00	\$10.00
Courtesy brand inspection	\$.75 <u>84</u>	\$ 1.50

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Fees To Be Collected By The State Brand Inspector For Other State Agencies:	
Idaho Beef Council (per head)	\$1.00
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal health (per head)	\$.22
Predator control (per head)	\$.04

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02. Due and Payable. Pursuant to Section 25-1160(5), Idaho Code, all brand inspection fees, and all other fees required to be collected by the Brand Inspector are due and payable at the time of inspection, except that livestock owners may make arrangements with a deputy brand inspector to pay for all accumulated brand inspection fees within each seven (7) day period. Failure to comply with this rule will cancel the previously approved schedule and shall make all fees immediately due and payable. Feedlots, currently approved by the Idaho Department of Agriculture, and slaughter plants are exempt from the minimum brand inspection fee. Other minimum brand inspection fees may be waived at the discretion of the State Brand Inspector or District Brand Supervisor. (3-30-01)